

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

State Farm Fire and Casualty Company,
Plaintiff,

v.

Jens Peel and Cindy Peel, husband and wife;
Charles Johnson and Connie Johnson,
husband and wife;

Defendants.

Case No. 3:14-CV-00814 - ST

ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT

Plaintiff State Farm Fire and Casualty Company ("State Farm") filed a Motion for Summary Judgment (docket #11) to which defendants did not file a response. Defendants Charles Johnson and Connie Johnson, through their attorney Calvin Vance, have informed the court that they will be withdrawing their tender for insurance coverage to State Farm. Defendants Jens Peel and Cindy Peel, through their attorney Scott Taylor, have stated that they are not opposing State Farm's motion.

Therefore, State Farm's Motion for Summary Judgment (docket #11) is granted. State Farm has no duty to indemnify or defend Defendants Charles Johnson and Connie Johnson with respect to the claims alleged in the lawsuit filed by James Peel and Cindy Peel in the Circuit Court for Lane County, Case No. 13-23940. Since Defendants Charles Johnson and Connie

Johnson have withdrawn their tender, State Farm has no duty to defend or indemnify under the policy for this independent reason.

Accordingly, this action is dismissed with prejudice and without costs.

Dated this 14th day of November, 2014.

s/ Janice M. Stewart _____
Hon. Janice M. Stewart
United States Magistrate Judge